

**CERTIFIED FOR PUBLICATION**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

ROBERT EDER et al.,

Plaintiffs and Appellants,

v.

CALIFORNIA DEPARTMENT OF FISH  
AND GAME et al.,

Defendants and Respondents.

A120532

(San Francisco County

Super. Ct. No. CPF 06-506862)

**ORDER MODIFYING OPINION**

[No Change in Judgment]

THE COURT:

It is ordered that the opinion filed herein on January 16, 2009, be modified as follows:

1. On page 1, second sentence of the second full paragraph, the word “Respondent” is changed to “Defendant” so the sentence reads:

Defendant California Fish and Game Commission (Commission) revoked their California Dungeness crab vessel permits because they violated section 8279.1, subdivision (c) by fishing for crab in San Francisco waters and then fishing for crab in Oregon sooner than the time designated by the regulatory statute.

2. On page 2, first sentence of the second full paragraph, the word “respondent” is changed to “defendant” so the sentence reads:

A tri-state Memorandum of Understanding (MOU) commits the Washington Department of Fish and Wildlife, the Oregon Department of Fish and Wildlife, and

defendant California Department of Fish and Game to take mutually supportive actions to implement sound management of the Dungeness crab resource.

3. On pages 2-3, third sentence of the third full paragraph, the word “respondent” is changed to “defendant” so the sentence reads:

In its written decisions to revoke plaintiffs’ Dungeness crab vessel permits, defendant Commission refers to the California portion of the southern zone, which is essentially the northern coastal area of California, as “North Coast.”

4. On page 5, first sentence of the second full paragraph, the word “respondents” is changed to “defendants” so the paragraph reads:

As defendants observe, these two subdivisions “address the scenarios of delayed seasons in California and prior fishing in California, Oregon, or Washington.”

5. On page 8, second sentence of the second full paragraph, the word “respondents” is changed to “defendants” so the sentence reads:

The court entered judgment for defendants.

There is no change in the judgment.

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Marchiano, P.J.

**Trial Court:** Superior Court of the City and County of San Francisco

**Trial Judge:** Honorable Patrick J. Mahoney

**Attorneys:**

Davis Wright Tremaine LLP and James P. Walsh, for Plaintiffs and Appellants.

Edmund G. Brown Jr., Attorney General, Daniel L. Siegel, Supervising Deputy Attorney General, and Peter Southworth, Deputy Attorney General, for Defendants and Respondents.

*Eder et al. v. CA Dept. of Fish & Game et al., A120532*